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United States Senate

WASHINGTON, DC 20510-4605

October 22, 2009

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Gates:

My purpose in writing is to address the findings and recommendations contained in the Government Accountability Office's report (GAO-10-119) on the U.S. Army's testing of body armor conducted under a 2007 contract solicitation.

In May 2007, owing to the controversy surrounding the performance of body armor procured by the Department of Defense (DOD), then-Senator Clinton and I asked the GAO to investigate the Army's body armor systems for effectiveness and reliability. The chairman and ranking member of the Senate Committee on Armed Services also wrote you that month to request a technical assessment of body armor systems with oversight provided by the Director, Operational Test and Evaluation (DOT&E).

The GAO's thorough, comprehensive audit has already led to improvements in body armor test protocols. I greatly appreciate the audit team's demonstrated commitment over the past two years. To its credit, the Army—with DOT&E oversight—took significant steps to improve testing protocols, run a controlled test, and follow procedures consistently. Regrettably, the GAO found that established testing protocols were not always followed. The agency concluded the Army's intended test objectives of determining which designs met performance requirements were not met. DOT&E and the Army do not concur with this conclusion.

I share the concerns expressed by the GAO. As the GAO report notes, it is possible that testing deviations had no significant net effect or even that they may have resulted in armor being tested to a more rigorous standard. On the other hand, it is also possible that some deviations may have resulted in armor being tested to a less stringent requirement than required. Our men and women in uniform deserve to have the highest degree of confidence that the body armor they are issued meets or exceeds the military's requirements for ballistic protection. GAO's recommendation for an independent assessment of the Army's test data or to repeat the tests warrants careful consideration to ensure that the deviations to testing protocols during First Article Testing did not erroneously influence its outcomes.

The lack of consensus between GAO and DOT&E is disturbing. The extent of their disagreement is reflected in the enclosed comparison of the GAO report's conclusions, DOD comments, and GAO responses. I believe that an independent review of the data from the first phase of testing is necessary to confirm the Army's objectives were achieved. Continued controversy over the reliability of new body armor can undermine public confidence. Emotionally charged criticisms have already been raised. Ultimately, those who rely on this armor for protection may also question its performance.

The Army is taking additional steps to increase confidence in its current testing procedures and the performance of the body armor procured under this solicitation. It will complete additional phases of ballistic testing by the end of this year to confirm a high statistical confidence in the body armor's performance. In addition to DOT&E's continued oversight of this testing, it is forming a team of ballistic, testing, and process-control experts, drawn from within DOD as well as from non-defense organizations, to conduct a comprehensive review of testing procedures and quality control at the Army's Aberdeen Test Center.

The Army confirmed that this same team will provide guidance during current and future body armor testing. I believe these additional steps by the Army and DOT&E provide an opportunity to implement the GAO's recommendations in a constructive, affirmative way in order to resolve the lack of consensus between two of our most experienced, independent oversight agencies.

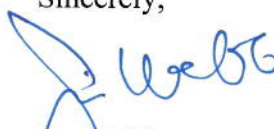
A subgroup of the new review team of defense and non-defense experts could be formed to evaluate phase-one testing. The GAO's recommendation for an independent review could be satisfied by excluding personnel assigned to DOT&E, Army Test and Evaluation Command, and PEO Soldier. A supportive, independent review corroborating DOT&E's assessment will provide greater confidence in the reliability of the first phase of testing —the *foundation* for follow-on testing that the Army will conduct through the remainder of 2009.

Although the Army has expressed its intention to have the GAO represented on the new review team, it is important to preserve the agency's independent authority. For this reason, I will request that the GAO audit team continue its assessment of the Army's additional body armor testing. It is important to confirm that the discrepancies and needed corrective actions raised in the GAO report have been satisfactorily addressed in future phases of testing. We must have every confidence that the body armor procured under this solicitation will defeat the threats for which it is designed.

For these reasons, I strongly urge you to adopt the GAO's recommendations. Absent a compelling, emergent operational requirement, armor procured under this contract should not be fielded until all of the additional phases of testing have been completed and assessed as meeting or exceeding Army requirements.

Thank you for your consideration of this request.

Sincerely,



Jim Webb
United States Senator